



MANDEL AKSELROD, P.C.

Val Mandel
Member of NY, NJ and DC Bars
e-mail: vm@vmdalaw.com

Daniel Akselrod
Member of NY and NJ Bars
e-mail: da@vmdalaw.com

40 Exchange Place, Suite 1203
New York, NY 10005
Tel: (212) 668-1700
Fax: (212) 668-1701
www.vmdalaw.com

Eric Wertheim
Member of NY and NJ Bars
e-mail: ew@vmdalaw.com
Of Counsel

April 29, 2024

VIA ECF

Honorable Jesse M. Furman, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: **United States v. Volmar Construction, Inc., et al.**

Docket No.: 23 CV 10732 (JMF)

Dear Judge Furman:

This firm represents Plaintiff Pinnacle Environmental Corporation. I write on behalf of all parties to jointly request that the Court adjourn the initial pretrial conference, which is currently scheduled for May 7, 2024.

On March 25, 2024, Third Party Defendant, Truist Bank, N.A. ("Truist") filed a motion (Doc. 28) pursuant to the Federal Rules of Civil procedure 12(b)(6) to dismiss the Defendant Volmar Construction, Inc.'s ("Volmar") Third Party Complaint.

After several letter motions for extensions of time, Your Honor extended the deadline: (i) for Volmar to oppose Truist's motion or to file an amended complaint to May 15, 2024 (Doc. 35); and (ii) for Third Party Defendant Bank of America, N.A. ("BANA") to answer the Third Party Complaint to May 16, 2024 (Doc. 32), or, if an amended Third Party Complaint is filed, then BANA would be subject to the same response/briefing schedule as Truist, as set forth in the Court's scheduling Order of March 25, 2024 (Doc. 30).

Honorable Jesse M. Furman, U.S.D.J.

April 29, 2024

Page 2

In light of the above deadlines, the parties respectfully submit that the initial pretrial conference will be more productive and effective if it is held after: (i) the amended Third Party Complaint is filed and is answered by the Third Party Defendants, which would crystalize the claims and defenses in this matter; and/or (ii) the motion(s) to dismiss are adjudicated, which would similarly crystallize the claims and defenses in this matter.

The Court has previously granted the parties' request for an adjournment of the initial pretrial conference (Doc. 23) and has once adjourned the initial pretrial conference *sua sponte* (Doc. 32).

Respectfully submitted,



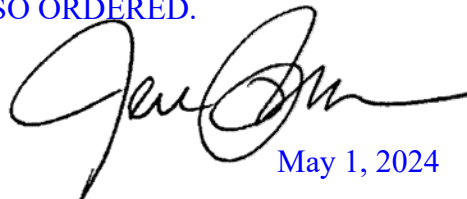
Daniel Akselrod

DA/st

cc: Gayle A. Rosen, Esq.
Melek J. Dunn, Esq.
Justin E. Kerner, Esq.
(All via ECF)

The initial pretrial conference currently scheduled for May 7, 2024, is hereby **ADJOURNED to June 18, 2024, at 9:00 a.m.** The Clerk of Court is directed to terminate ECF No. 36.

SO ORDERED.



May 1, 2024